

Effective 5/3/2023

**Part 1
Vital Statistics**

Effective until 9/1/2024

26B-8-101 Definitions.

As used in this part:

- (1) "Adoption document" means an adoption-related document filed with the office, a petition for adoption, a decree of adoption, an original birth certificate, or evidence submitted in support of a supplementary birth certificate.
- (2) "Biological sex at birth" means an individual's sex, as being male or female, according to distinct reproductive roles as manifested by sex and reproductive organ anatomy, chromosomal makeup, and endogenous hormone profiles.
- (3) "Certified nurse midwife" means an individual who:
 - (a) is licensed to practice as a certified nurse midwife under Title 58, Chapter 44a, Nurse Midwife Practice Act; and
 - (b) has completed an education program regarding the completion of a certificate of death developed by the department by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (4) "Custodial funeral service director" means a funeral service director who:
 - (a) is employed by a licensed funeral establishment; and
 - (b) has custody of a dead body.
- (5) "Dead body" means a human body or parts of a human body from the condition of which it reasonably may be concluded that death occurred.
- (6) "Decedent" means the same as a dead body.
- (7) "Dead fetus" means a product of human conception, other than those circumstances described in Subsection 76-7-301(1):
 - (a) of 20 weeks' gestation or more, calculated from the date the last normal menstrual period began to the date of delivery; and
 - (b) that was not born alive.
- (8) "Declarant father" means a male who claims to be the genetic father of a child, and, along with the biological mother, signs a voluntary declaration of paternity to establish the child's paternity.
- (9) "Dispositioner" means:
 - (a) a person designated in a written instrument, under Subsection 58-9-602(1), as having the right and duty to control the disposition of the decedent, if the person voluntarily acts as the dispositioner; or
 - (b) the next of kin of the decedent, if:
 - (i)
 - (A) a person has not been designated as described in Subsection (9)(a); or
 - (B) the person described in Subsection (9)(a) is unable or unwilling to exercise the right and duty described in Subsection (9)(a); and
 - (ii) the next of kin voluntarily acts as the dispositioner.
- (10) "Fetal remains" means:
 - (a) an aborted fetus as that term is defined in Section 26B-2-232; or
 - (b) a miscarried fetus as that term is defined in Section 26B-2-233.
- (11) "File" means the submission of a completed certificate or other similar document, record, or report as provided under this part for registration by the state registrar or a local registrar.

- (12) "Funeral service director" means the same as that term is defined in Section 58-9-102.
- (13) "Health care facility" means the same as that term is defined in Section 26B-2-201.
- (14) "Health care professional" means a physician, physician assistant, nurse practitioner, or certified nurse midwife.
- (15) "Intersex individual" means an individual who:
 - (a) is born with external biological sex characteristics that are irresolvably ambiguous;
 - (b) is born with 46, XX chromosomes with virilization;
 - (c) is born with 46, XY chromosomes with undervirilization;
 - (d) has both ovarian and testicular tissue; or
 - (e) has been diagnosed by a physician, based on genetic or biochemical testing, with abnormal:
 - (i) sex chromosome structure;
 - (ii) sex steroid hormone production; or
 - (iii) sex steroid hormone action for a male or female.
- (16) "Licensed funeral establishment" means:
 - (a) if located in Utah, a funeral service establishment, as that term is defined in Section 58-9-102, that is licensed under Title 58, Chapter 9, Funeral Services Licensing Act; or
 - (b) if located in a state, district, or territory of the United States other than Utah, a funeral service establishment that complies with the licensing laws of the jurisdiction where the establishment is located.
- (17) "Live birth" means the birth of a child who shows evidence of life after the child is entirely outside of the mother.
- (18) "Local registrar" means a person appointed under Subsection 26B-8-102(3)(b).
- (19) "Nurse practitioner" means an individual who:
 - (a) is licensed to practice as an advanced practice registered nurse under Title 58, Chapter 31b, Nurse Practice Act; and
 - (b) has completed an education program regarding the completion of a certificate of death developed by the department by administrative rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (20) "Office" means the Office of Vital Records and Statistics within the department.
- (21) "Physician" means a person licensed to practice as a physician or osteopath in this state under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.
- (22) "Physician assistant" means an individual who:
 - (a) is licensed to practice as a physician assistant under Title 58, Chapter 70a, Utah Physician Assistant Act; and
 - (b) has completed an education program regarding the completion of a certificate of death developed by the department by administrative rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (23) "Presumed father" means the father of a child conceived or born during a marriage as defined in Section 30-1-17.2.
- (24) "Registration" or "register" means acceptance by the local or state registrar of a certificate and incorporation of the certificate into the permanent records of the state.
- (25) "State registrar" means the state registrar of vital records appointed under Section 26B-8-102.
- (26) "Vital records" means:
 - (a) registered certificates or reports of birth, death, fetal death, marriage, divorce, dissolution of marriage, or annulment;
 - (b) amendments to any of the registered certificates or reports described in Subsection (26)(a);

- (c) an adoption document; and
 - (d) other similar documents.
- (27) "Vital statistics" means the data derived from registered certificates and reports of birth, death, fetal death, induced termination of pregnancy, marriage, divorce, dissolution of marriage, or annulment.

Amended by Chapter 306, 2023 General Session, (Coordination Clause)

Amended by Chapter 306, 2023 General Session

Effective 9/1/2024

26B-8-101 Definitions.

As used in this part:

- (1) "Adoption document" means an adoption-related document filed with the office, a petition for adoption, a decree of adoption, an original birth certificate, or evidence submitted in support of a supplementary birth certificate.
- (2) "Biological sex at birth" means an individual's sex, as being male or female, according to distinct reproductive roles as manifested by sex and reproductive organ anatomy, chromosomal makeup, and endogenous hormone profiles.
- (3) "Certified nurse midwife" means an individual who:
 - (a) is licensed to practice as a certified nurse midwife under Title 58, Chapter 44a, Nurse Midwife Practice Act; and
 - (b) has completed an education program regarding the completion of a certificate of death developed by the department by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (4) "Custodial funeral service director" means a funeral service director who:
 - (a) is employed by a licensed funeral establishment; and
 - (b) has custody of a dead body.
- (5) "Dead body" means a human body or parts of a human body from the condition of which it reasonably may be concluded that death occurred.
- (6) "Decedent" means the same as a dead body.
- (7) "Dead fetus" means a product of human conception, other than those circumstances described in Subsection 76-7-301(1):
 - (a) of 20 weeks' gestation or more, calculated from the date the last normal menstrual period began to the date of delivery; and
 - (b) that was not born alive.
- (8) "Declarant father" means a male who claims to be the genetic father of a child, and, along with the biological mother, signs a voluntary declaration of paternity to establish the child's paternity.
- (9) "Dispositioner" means:
 - (a) a person designated in a written instrument, under Subsection 58-9-602(1), as having the right and duty to control the disposition of the decedent, if the person voluntarily acts as the dispositioner; or
 - (b) the next of kin of the decedent, if:
 - (i)
 - (A) a person has not been designated as described in Subsection (9)(a); or
 - (B) the person described in Subsection (9)(a) is unable or unwilling to exercise the right and duty described in Subsection (9)(a); and
 - (ii) the next of kin voluntarily acts as the dispositioner.
- (10) "Fetal remains" means:

- (a) an aborted fetus as that term is defined in Section 26B-2-232; or
 - (b) a miscarried fetus as that term is defined in Section 26B-2-233.
- (11) "File" means the submission of a completed certificate or other similar document, record, or report as provided under this part for registration by the state registrar or a local registrar.
- (12) "Funeral service director" means the same as that term is defined in Section 58-9-102.
- (13) "Health care facility" means the same as that term is defined in Section 26B-2-201.
- (14) "Health care professional" means a physician, physician assistant, nurse practitioner, or certified nurse midwife.
- (15) "Intersex individual" means an individual who:
- (a) is born with external biological sex characteristics that are irresolvably ambiguous;
 - (b) is born with 46, XX chromosomes with virilization;
 - (c) is born with 46, XY chromosomes with undervirilization;
 - (d) has both ovarian and testicular tissue; or
 - (e) has been diagnosed by a physician, based on genetic or biochemical testing, with abnormal:
 - (i) sex chromosome structure;
 - (ii) sex steroid hormone production; or
 - (iii) sex steroid hormone action for a male or female.
- (16) "Licensed funeral establishment" means:
- (a) if located in Utah, a funeral service establishment, as that term is defined in Section 58-9-102, that is licensed under Title 58, Chapter 9, Funeral Services Licensing Act; or
 - (b) if located in a state, district, or territory of the United States other than Utah, a funeral service establishment that complies with the licensing laws of the jurisdiction where the establishment is located.
- (17) "Live birth" means the birth of a child who shows evidence of life after the child is entirely outside of the mother.
- (18) "Local registrar" means a person appointed under Subsection 26B-8-102(3)(b).
- (19) "Nurse practitioner" means an individual who:
- (a) is licensed to practice as an advanced practice registered nurse under Title 58, Chapter 31b, Nurse Practice Act; and
 - (b) has completed an education program regarding the completion of a certificate of death developed by the department by administrative rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (20) "Office" means the Office of Vital Records and Statistics within the department.
- (21) "Physician" means a person licensed to practice as a physician or osteopath in this state under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.
- (22) "Physician assistant" means an individual who:
- (a) is licensed to practice as a physician assistant under Title 58, Chapter 70a, Utah Physician Assistant Act; and
 - (b) has completed an education program regarding the completion of a certificate of death developed by the department by administrative rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (23) "Presumed father" means the same as that term is defined in Section 78B-15-102.
- (24) "Registration" or "register" means acceptance by the local or state registrar of a certificate and incorporation of the certificate into the permanent records of the state.
- (25) "State registrar" means the state registrar of vital records appointed under Section 26B-8-102.
- (26) "Vital records" means:

- (a) registered certificates or reports of birth, death, fetal death, marriage, divorce, dissolution of marriage, or annulment;
 - (b) amendments to any of the registered certificates or reports described in Subsection (26)(a);
 - (c) an adoption document; and
 - (d) other similar documents.
- (27) "Vital statistics" means the data derived from registered certificates and reports of birth, death, fetal death, induced termination of pregnancy, marriage, divorce, dissolution of marriage, or annulment.

Amended by Chapter 366, 2024 General Session

26B-8-102 Department duties and authority.

- (1) As used in this section:
- (a) "Compact" means the Compact for Interstate Sharing of Putative Father Registry Information created in Section 78B-6-121.5, effective on May 10, 2016.
 - (b) "Putative father":
 - (i) means the same as that term is as defined in Section 78B-6-121.5; and
 - (ii) includes an unmarried biological father.
 - (c) "State registrar" means the state registrar of vital records appointed under Subsection (2)(e).
 - (d) "Unmarried biological father" means the same as that term is defined in Section 78B-6-103.
- (2) The department shall:
- (a) provide offices properly equipped for the preservation of vital records made or received under this part;
 - (b) establish a statewide vital records system for the registration, collection, preservation, amendment, and certification of vital records and other similar documents required by this part and activities related to them, including the tabulation, analysis, and publication of vital statistics;
 - (c) prescribe forms for certificates, certification, reports, and other documents and records necessary to establish and maintain a statewide system of vital records;
 - (d) prepare an annual compilation, analysis, and publication of statistics derived from vital records; and
 - (e) appoint a state registrar to direct the statewide system of vital records.
- (3) The department may:
- (a) divide the state from time to time into registration districts; and
 - (b) appoint local registrars for registration districts who under the direction and supervision of the state registrar shall perform all duties required of them by this part and department rules.
- (4) The state registrar appointed under Subsection (2)(e) shall, with the input of Utah stakeholders and the Uniform Law Commission, study the following items for the state's implementation of the compact:
- (a) the feasibility of using systems developed by the National Association for Public Health Statistics and Information Systems, including the State and Territorial Exchange of Vital Events (STEVE) system and the Electronic Verification of Vital Events (EVVE) system, or similar systems, to exchange putative father registry information with states that are parties to the compact;
 - (b) procedures necessary to share putative father information, located in the confidential registry maintained by the state registrar, upon request from the state registrar of another state that is a party to the compact;

- (c) procedures necessary for the state registrar to access putative father information located in a state that is a party to the compact, and share that information with persons who request a certificate from the state registrar;
- (d) procedures necessary to ensure that the name of the mother of the child who is the subject of a putative father's notice of commencement, filed pursuant to Section 78B-6-121, is kept confidential when a state that is a party to the compact accesses this state's confidential registry through the state registrar; and
- (e) procedures necessary to ensure that a putative father's registration with a state that is a party to the compact is given the same effect as a putative father's notice of commencement filed pursuant to Section 78B-6-121.

Renumbered and Amended by Chapter 306, 2023 General Session

26B-8-103 Content and form of certificates and reports.

- (1) As used in this section:
 - (a) "Additional information" means information that is beyond the information necessary to comply with federal standards or state law for registering a birth.
 - (b) "Diacritical mark" means a mark on a letter from the ISO basic Latin alphabet used to indicate a special pronunciation.
 - (c) "Diacritical mark" includes accents, tildes, graves, umlauts, and cedillas.
- (2) Except as provided in Subsection (8), to promote and maintain nationwide uniformity in the vital records system, the forms of certificates, certification, reports, and other documents and records required by this part or the rules implementing this part shall include as a minimum the items recommended by the federal agency responsible for national vital statistics, subject to approval, additions, and modifications by the department.
- (3) Certificates, certifications, forms, reports, other documents and records, and the form of communications between persons required by this part shall be prepared in the format prescribed by department rule.
- (4) All vital records shall include the date of filing.
- (5) Certificates, certifications, forms, reports, other documents and records, and communications between persons required by this part may be signed, filed, verified, registered, and stored by photographic, electronic, or other means as prescribed by department rule.
- (6)
 - (a) An individual may use a diacritical mark in an application for a vital record.
 - (b) The office shall record a diacritical mark on a vital record as indicated on the application for the vital record.
- (7) The absence of a diacritical mark on a vital record does not render the document invalid or affect any constructive notice imparted by proper recordation of the document.
- (8)
 - (a) The state:
 - (i) may collect the Social Security number of a deceased individual; and
 - (ii) may not include the Social Security number of an individual on a certificate of death.
 - (b) For registering a birth, the department may not require an individual to provide additional information.
 - (c) The department may request additional information if the department provides a written statement that:
 - (i) discloses that providing the additional information is voluntary;
 - (ii) discloses how the additional information will be used and the duration of use;

- (iii) describes how the department prevents the additional information from being used in a manner different from the disclosure given under Subsection (8)(c)(ii); and
 - (iv) includes a notice that the individual is consenting to the department's use of the additional information by providing the additional information.
- (d)
- (i) Beginning July 1, 2022, an individual may submit a written request to the department to de-identify the individual's additional information contained in the department's databases.
 - (ii) Upon receiving the written request, the department shall:
 - (A) de-identify the additional information; and
 - (B) for additional information that is inherently identifying, delete the inherently identifying additional information.
 - (e) The department shall de-identify or delete additional information contained in the department's databases before the additional information is held by the department for longer than six years.

Amended by Chapter 295, 2024 General Session

26B-8-104 Birth registrations -- Execution and registration requirements.

- (1) As used in this section:
- (a) "Birthing facility" means a:
 - (i) general acute hospital as defined in Section 26B-2-201; or
 - (ii) birthing center as defined in Section 26B-2-201.
 - (b) "Designated administrator" means an individual who has been designated by a birthing facility to submit a birth registration on behalf of the birthing facility.
- (2)
- (a) The office shall register a birth if a birth registration is completed and filed in accordance with this section.
 - (b) Once a birth is registered, the office shall provide a birth certificate upon request in accordance with all state laws.
- (3)
- (a) For each live birth that occurs in a birthing facility, the designated administrator, attending physician, or nurse midwife shall:
 - (i) obtain and enter the information required under this part in the electronic birth registration system no later than 10 days from the day on which the birth occurred;
 - (ii) provide the parent the opportunity to review the information to ensure accuracy; and
 - (iii) submit the birth registration.
 - (b)
 - (i) The date, time, place of birth, and required medical information shall be certified by the designated administrator.
 - (ii) The designated administrator shall enter the attending physician's, physician assistant's, or nurse midwife's name and transmit the birth registration to the local registrar for each birth that occurs in a birth facility.
 - (iii) The information contained in the birth registration about the parents shall be provided and certified by the mother or father or, in their incapacity or absence, by a person with knowledge of the facts.
- (4)
- (a)

- (i) For a live birth that occurs outside a birthing facility, the birth registration shall be completed and filed by the physician, physician assistant, nurse, nurse practitioner, certified nurse midwife, or other person primarily responsible for providing assistance to the mother at the birth no later than 10 days from the day on which the birth occurred. If the birth occurred without assistance from an individual described in Subsection (4)(a)(i), the presumed or declarant father or the mother of the child shall complete and file the birth registration.
 - (b) The birth registration shall be completed as fully as possible and shall include the date, time, and place of birth, and the mother's name.
- (5)
- (a) For each live birth to an unmarried mother that occurs in a birthing facility, the designated administrator shall:
 - (i) provide the birth mother and declarant father, if present, with:
 - (A) a voluntary declaration of paternity form published by the state registrar;
 - (B) oral and written notice to the birth mother and declarant father of the alternatives to, the legal consequences of, and the rights and responsibilities that arise from signing the declaration; and
 - (C) the opportunity to sign the declaration;
 - (ii) witness the signature of a birth mother or declarant father in accordance with Section 78B-15-302 if the signature occurs at the facility;
 - (iii) enter the declarant father's information on the original birth certificate, but only if the mother and declarant father have signed a voluntary declaration of paternity or a court or administrative agency has issued an adjudication of paternity; and
 - (iv) file the completed declaration with the original birth certificate.
 - (b) If there is a presumed father, the voluntary declaration will only be valid if the presumed father also signs the voluntary declaration.
 - (c) The state registrar shall file the information provided on the voluntary declaration of paternity form with the original birth certificate and may provide certified copies of the declaration of paternity as otherwise provided under Title 78B, Chapter 15, Utah Uniform Parentage Act.
- (6)
- (a) The state registrar shall publish a form for the voluntary declaration of paternity, a description of the process for filing a voluntary declaration of paternity, and of the rights and responsibilities established or effected by that filing, in accordance with Title 78B, Chapter 15, Utah Uniform Parentage Act.
 - (b) Information regarding the form and services related to voluntary paternity establishment shall be made available to birthing facilities and to any other entity or individual upon request.
- (7) The name of a declarant father may only be included on the birth certificate of a child of unmarried parents if:
- (a) the mother and declarant father have signed a voluntary declaration of paternity; or
 - (b) a court or administrative agency has issued an adjudication of paternity.
- (8) Voluntary declarations of paternity, adjudications of paternity by judicial or administrative agencies, and voluntary rescissions of paternity shall be filed with and maintained by the state registrar for the purpose of comparing information with the state case registry maintained by the Office of Recovery Services pursuant to Section 26B-9-104.
- (9) The department may notify the Division of Professional Licensing that an individual who is required to complete a birth registration under Subsection (4)(a)(i) has failed to register a birth if:
- (a) the department has notified the individual that the individual is required by state law to complete the birth registration; and

- (b) the individual is a physician, physician assistant, nurse, nurse practitioner, or certified nurse midwife.

Amended by Chapter 295, 2024 General Session

26B-8-105 Requirement to obtain parents' social security numbers.

- (1) For each live birth that occurs in this state, the administrator of the birthing facility, as defined in Section 26B-8-104, or other person responsible for completing and filing the birth certificate under Section 26B-8-104 shall obtain the social security numbers of each parent and provide those numbers to the state registrar.
- (2) Each parent shall furnish his or her social security number to the person authorized to obtain the numbers under Subsection (1) unless a court or administrative agency has determined there is good cause for not furnishing a number under Subsection (1).
- (3) The state registrar shall, as soon as practicable, supply those social security numbers to the Office of Recovery Services within the department.
- (4) The social security numbers obtained under this section may not be recorded on the child's birth certificate.
- (5) The state may not use any social security number obtained under this section for any reason other than enforcement of child support orders in accordance with the federal Family Support Act of 1988, Pub. L. No. 100-485.

Renumbered and Amended by Chapter 306, 2023 General Session

26B-8-106 Foundling certificates.

- (1) A foundling certificate shall be filed for each infant of unknown parentage found in the state. The certificate shall be prepared and filed with the local registrar of the district in which the infant was found by the person assuming custody.
- (2) The certificate shall be filed within 10 days after the infant is found and is acceptable for all purposes in lieu of a certificate of birth.

Renumbered and Amended by Chapter 306, 2023 General Session

26B-8-107 Correction of errors or omissions in vital records -- Conflicting birth and foundling certificates -- Rulemaking.

- (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules:
 - (a) governing applications to correct alleged errors or omissions on any vital record;
 - (b) establishing procedures to resolve conflicting birth and foundling certificates;
 - (c) allowing for the correction and reissuance of a vital record that was originally created omitting a diacritical mark; and
 - (d) notwithstanding any other provision of law, allowing for the change of a child's name on the child's birth certificate within one year from the day the child is born.
- (2) For a birth certificate, the department may correct an error or omission under Subsection (1)(a) if:
 - (a) the error or omission is a result of a scrivener's error or a data entry error; and
 - (b) the department receives:
 - (i) (A) an affidavit from the applicant attesting that there is an error on the birth certificate;

- (B) supporting documentation from the health care facility or attending health care provider;
and
 - (C) an affidavit from the health care facility or health care provider described in Subsection (2)
(b)(i)(B) attesting to the accuracy of the supporting documentation; or
 - (ii) documentation deemed sufficient by the state registrar to establish the facts of the error or omission.
- (3) The department may amend a birth certificate's sex designation for an intersex individual at the request of the individual or the guardian of the individual if:
- (a) the sex designation indicating the biological sex at birth of the individual was misidentified on the original certificate due to the individual's condition; and
 - (b) the department receives:
 - (i) a correction affidavit attesting the individual is intersex;
 - (ii) chromosomal, molecular, karyotypic, DNA, or genetic testing results that confirm the individual is intersex; and
 - (iii) an affidavit from the health care facility, health care professional, or laboratory testing facility that conducted the test or analyzed the test results, attesting to the test results and accuracy.

Renumbered and Amended by Chapter 306, 2023 General Session
Amended by Chapter 493, 2023 General Session

26B-8-108 Birth registration -- Delayed registration.

- (1) When a birth registration for an individual born in this state has not been filed in accordance with the time provided in Section 26B-8-104, a birth registration may be filed in accordance with department rules and subject to this section.
- (2)
- (a) The registrar shall mark a certificate of birth as "delayed" and show the date of registration if the certificate is registered one year or more after the date of birth.
 - (b) The registrar shall abstract a summary statement of the evidence submitted in support of delayed registration onto the certificate.
- (3) When the minimum evidence required for delayed registration is not submitted or when the state registrar has reasonable cause to question the validity or adequacy of the evidence supporting the application, and the deficiencies are not corrected, the state registrar:
- (a) may not register the certificate; and
 - (b) shall provide the applicant with a written statement indicating the reasons for denial of registration.
- (4) The state registrar has no duty to take further action regarding an application which is not actively pursued.

Amended by Chapter 295, 2024 General Session

26B-8-109 Birth certificates -- Petition for issuance of delayed certificate -- Court procedure.

- (1)
- (a) If registration of a certificate of birth under Section 26B-8-108 is denied, the person seeking registration may bring an action by a verified petition in the Utah court encompassing where the petitioner resides or in the district encompassing Salt Lake City.
 - (b) The petition shall request an order establishing a record of the date and place of the birth and the parentage of the person whose birth is to be registered.

- (2) The petition shall be on a form furnished by the state registrar and shall allege:
 - (a) the person for whom registration of a delayed certificate is sought was born in this state and is still living;
 - (b) no registered certificate of birth of the person can be found in the state office of vital statistics or the office of any local registrar;
 - (c) diligent efforts by the petitioner have failed to obtain the evidence required by department rule; and
 - (d) the state registrar has denied the petitioner's request to register a delayed certificate of birth.
- (3) The petition shall be accompanied by a written statement of the state registrar indicating the reasons for denial of registration and all documentary evidence which was submitted in support of registration.
- (4) The court shall fix a time and place for hearing the petition and shall give the state registrar 15 days' notice of the hearing. The state registrar or his authorized representative may appear and testify at the hearing.
- (5)
 - (a) If the court finds the person for whom registration of a certificate of birth is sought under Section 26B-8-108 was born in this state, it shall make findings as to the place and date of birth, parentage, and other findings as may be required and shall issue an order, on a form prescribed and furnished by the state registrar, to establish a court-ordered delayed certificate of birth.
 - (b) The order shall include the birth data to be registered, a description of the evidence presented, and the date of the court's action.
 - (c) The clerk of the court shall forward each order to the state registrar not later than the tenth day of the calendar month following the month in which the order was entered.
 - (d) The order described in Subsection (5)(a) shall be registered by the state registrar and constitutes the certificate of birth.

Renumbered and Amended by Chapter 306, 2023 General Session

26B-8-110 Supplementary certificate of birth.

- (1) An individual born in this state may request the state registrar to register a supplementary birth certificate for the individual if:
 - (a) the individual is legally recognized as a child of the individual's natural parents when the individual's natural parents are subsequently married;
 - (b) the individual's parentage has been determined by a state court of the United States or a Canadian provincial court with jurisdiction; or
 - (c) the individual has been legally adopted, as a child or as an adult, under the law of this state, any other state, or any province of Canada.
- (2) The application for registration of a supplementary birth certificate may be made by:
 - (a) the individual requesting registration under Subsection (1) if the individual is of legal age;
 - (b) a legal representative; or
 - (c) any agency authorized to receive children for placement or adoption under the laws of this or any other state.
- (3)
 - (a) The state registrar shall require that an applicant submit identification and proof according to department rules.
 - (b) In the case of an adopted individual, that proof may be established by order of the court in which the adoption proceedings were held.

- (4)
 - (a) After the supplementary birth certificate is registered, any information disclosed from the record shall be from the supplementary birth certificate.
 - (b) Access to the original birth certificate and to the evidence submitted in support of the supplementary birth certificate are not open to inspection except upon the order of a Utah district court or as described in Section 78B-6-141 or Section 78B-6-144.

Renumbered and Amended by Chapter 306, 2023 General Session

26B-8-111 Birth certificate name or sex designation change -- Registration of court order and amendment of birth certificate.

- (1) An individual may obtain a court order in accordance with Title 42, Names, to change the name on the individual's birth certificate.
- (2)
 - (a) A court may grant a petition ordering a sex designation change on a birth certificate if the court determines by clear and convincing evidence that the individual seeking the sex designation change:
 - (i) is not involved in any kind of lawsuit;
 - (ii) is not on probation or parole;
 - (iii) is not seeking the amendment:
 - (A) to commit a crime;
 - (B) to interfere with the rights of others;
 - (C) to avoid creditors;
 - (D) to influence the sentence, fine, or conditions of imprisonment in a criminal case;
 - (E) to commit fraud on the public; or
 - (F) for any other fraudulent purpose;
 - (iv) has transitioned from the sex designation of the biological sex at birth to the sex sought in the petition;
 - (v) has outwardly expressed as the sex sought in the petition in a consistent and uniform manner for at least six months; and
 - (vi) suffers from clinically significant distress or impairment due to the current sex designation on the birth certificate.
 - (b) The court shall consider the following when making the determination described in Subsection (2)(a)(iv):
 - (i) evidence of medical history, care, or treatment related to sex transitioning; and
 - (ii) evidence that the sex sought in the petition is sincerely held and part of the individual's core identity.
 - (c)
 - (i) An individual petitioning for a sex designation change under this section shall indicate on the petition whether the individual is registered with the state's Sex and Kidnap Offender Registry.
 - (ii) Based on the disclosure described in Subsection (2)(c)(i), the court may request additional information from an individual who is registered with the state's Sex and Kidnap Offender Registry to determine whether to grant a petition under this section.
- (3)
 - (a)

- (i) When determining whether to grant a sex designation change for a child who is at least 15 years and six months old, unless the child is emancipated, the court shall appoint, notwithstanding Subsection 78A-2-703(1), a guardian ad litem for the child.
- (ii) Notwithstanding Subsection 78A-2-703(7), the child's parent or guardian is responsible for the costs of the guardian ad litem's services unless the court determines the parent or guardian is indigent in accordance with Section 78A-2-302.
- (b) The guardian ad litem shall provide the court relevant evidence, whether submitted by the child or other sources of evidence, regarding the following:
 - (i) whether the child is capable of making decisions with long-term consequences independently of the child's parent or guardian;
 - (ii) whether the child is mature and capable of appreciating the implications of the decision to change the sex designation on the child's birth certificate; and
 - (iii) whether the child meets the other requirements of this section.
- (c) The guardian of a child described in Subsection (3)(a) shall:
 - (i) give notice of the proceeding to any known parent of the child; and
 - (ii) provide the court with a declaration of the status of any divorce or custody matter pertaining to the child, including the case name, case number, court, judge, and current status of the case.
- (d) The court shall:
 - (i) consider any objection given by a parent;
 - (ii) close the hearing on a petition for a sex designation change;
 - (iii) receive all evidence; and
 - (iv) make a determination as to whether:
 - (A) all of the requirements of Subsection (2) have been met; and
 - (B) the evidence supports a finding by clear and convincing evidence that the sex designation change is in the best interest of the child and would not create a risk of harm to the minor.
- (4)
 - (a) A court may not grant a petition for a sex designation change if:
 - (i) the birth certificate is for a child who is younger than 15 years and six months old; or
 - (ii) the child's parent or guardian with legal custody has not given permission.
 - (b) An order granting a sex designation change under this section is not effective until the individual is at least 16 years old.
- (5) A petition for a sex designation under this section may be combined with a petition under Title 42, Names.
- (6)
 - (a) Upon the receipt of a certified order granting a birth certificate amendment, any required application, and an appropriate fee, the department shall issue:
 - (i) a birth certificate that does not indicate which fields were amended unless requested by the individual; and
 - (ii) an amendment history of the birth certificate, including the fields of the birth certificate that have been amended and the date of the amendment.
 - (b) The department shall retain a record of all amendments to a birth certificate, including any amendment history issued by the department.
- (7) The provisions of this section are severable.
- (8) This section only applies to birth certificates issued by the state.
- (9) The provisions of Title 76, Chapter 8, Part 5, Falsification in Official Matters, apply to this section when applicable.

Amended by Chapter 296, 2024 General Session

26B-8-112 Certified copies of birth certificates -- Fees credited to Children's Account.

- (1) In addition to the fees provided for in Section 26B-1-209, the department and local registrars authorized to issue certified copies shall charge an additional \$3 fee for each certified copy of a birth certificate, including certified copies of supplementary and amended birth certificates, under Sections 26B-8-108 through 26B-8-111.
- (2) The additional fee described in Subsection (1) may be charged only for the first copy requested at any one time.
- (3) The fee shall be transmitted monthly to the state treasurer and credited to the Children's Account created in Section 80-2-501.

Renumbered and Amended by Chapter 306, 2023 General Session

26B-8-113 Fee waived for certified copy of birth certificate.

- (1) Notwithstanding Sections 26B-1-209 and 26B-6-112, the department shall waive a fee that would otherwise be charged for a certified copy of a birth certificate, if the individual whose birth is confirmed by the birth certificate is:
 - (a) the individual requesting the certified copy of the birth certificate; and
 - (b)
 - (i) homeless, as defined in Section 26B-3-207;
 - (ii) a person who is homeless, as defined in Section 35A-5-302;
 - (iii) an individual whose primary nighttime residence is a location that is not designed for or ordinarily used as a sleeping accommodation for an individual;
 - (iv) a homeless service provider as verified by the Department of Workforce Services;
 - (v) a homeless child or youth, as defined in 42 U.S.C. Sec. 11434a; or
 - (vi) under the age of 26 and:
 - (A) is in the custody of the Division of Child and Family Services; or
 - (B) was in the custody of the Division of Child and Family Services but is no longer in the custody of the Division of Child and Family Services due to the individual's age.
- (2) To satisfy the requirement in Subsections (1)(b)(i) through (1)(b)(v), the department shall accept written verification that the individual is homeless or a person, child, or youth who is homeless from:
 - (a) a homeless shelter;
 - (b) a permanent housing, permanent, supportive, or transitional facility, as defined in Section 35A-5-302;
 - (c) the Department of Workforce Services;
 - (d) a homeless service provider as verified by the Department of Workforce Services; or
 - (e) a local educational agency liaison for homeless children and youth designated under 42 U.S.C. Sec. 11432(g)(1)(J)(ii).

Amended by Chapter 527, 2024 General Session

26B-8-114 Certificate of death -- Execution and registration requirements -- Information provided to lieutenant governor.

- (1)
 - (a) A certificate of death for each death that occurs in this state shall be filed with the local registrar of the district in which the death occurs, or as otherwise directed by the state

registrar, within five days after death and prior to the decedent's interment, any other disposal, or removal from the registration district where the death occurred.

(b) A certificate of death shall be registered if the certificate of death is completed and filed in accordance with this part.

(2)

(a) If the place of death is unknown but the dead body is found in this state:

- (i) the certificate of death shall be completed and filed in accordance with this section; and
- (ii) the place where the dead body is found shall be shown as the place of death.

(b) If the date of death is unknown, the date shall be determined by approximation.

(3)

(a) When death occurs in a moving conveyance in the United States and the decedent is first removed from the conveyance in this state:

- (i) the certificate of death shall be filed with:
 - (A) the local registrar of the district where the decedent is removed; or
 - (B) a person designated by the state registrar; and
- (ii) the place where the decedent is removed shall be considered the place of death.

(b) When a death occurs on a moving conveyance outside the United States and the decedent is first removed from the conveyance in this state:

- (i) the certificate of death shall be filed with:
 - (A) the local registrar of the district where the decedent is removed; or
 - (B) a person designated by the state registrar; and
- (ii) the certificate of death shall show the actual place of death to the extent it can be determined.

(4)

(a) Subject to Subsections (4)(d) and (10), a custodial funeral service director or, if a funeral service director is not retained, a dispositioner shall sign the certificate of death.

(b) The custodial funeral service director, an agent of the custodial funeral service director, or, if a funeral service director is not retained, a dispositioner shall:

- (i) file the certificate of death prior to any disposition of a dead body or fetus; and
- (ii) obtain the decedent's personal data from the next of kin or the best qualified person or source available, including the decedent's social security number, if known.

(c) The certificate of death may not include the decedent's social security number.

(d) A dispositioner may not sign a certificate of death, unless the signature is witnessed by the state registrar or a local registrar.

(5)

(a) Except as provided in Section 26B-8-115 or when inquiry is required by Part 2, Utah Medical Examiner, a health care professional who was in charge of the decedent's care for the illness or condition which resulted in death shall complete, sign, and return the medical section of the certificate of death within three business days from the day on which the death occurred to:

- (i) the funeral service director; or
- (ii) if a funeral service director is not retained, a dispositioner.

(b) In the absence of the health care professional or with the health care professional's approval, the certificate of death may be completed and signed by an associate physician, the chief medical officer of the institution in which death occurred, or a physician who performed an autopsy upon the decedent, if:

- (i) the person has access to the medical history of the case;
- (ii) the person views the decedent at or after death; and
- (iii) the death is not due to causes required to be investigated by the medical examiner.

- (c) When completing the immediate cause of death section of a certificate of death, a health care professional may indicate that the immediate cause of death is unknown if the immediate cause of death is unknown.
- (d) The department shall create instructions for completing a certificate of death that inform a health care professional that the health care professional may indicate that the immediate cause of death is unknown in accordance with Subsection (5)(c).
- (6) When death occurs more than 365 days after the day on which the decedent was last treated by a health care professional, the case shall be referred to the medical examiner for investigation to determine and certify the cause, date, and place of death.
- (7) When inquiry is required by Part 2, Utah Medical Examiner, the medical examiner shall make an investigation and complete and sign the medical section of the certificate of death within 72 hours after taking charge of the case.
- (8) If the cause of death cannot be determined within 72 hours after death:
 - (a) the medical section of the certificate of death shall be completed as provided by department rule;
 - (b) the attending health care professional or medical examiner shall give the funeral service director, or, if a funeral service director is not retained, a dispositioner, notice of the reason for the delay; and
 - (c) final disposition of the decedent may not be made until authorized by the attending health care professional or medical examiner.
- (9)
 - (a) When a death is presumed to have occurred within this state but the dead body cannot be located, a certificate of death may be prepared by the state registrar upon receipt of an order of a Utah court.
 - (b) The order described in Subsection (9)(a) shall include a finding of fact stating the name of the decedent, the date of death, and the place of death.
 - (c) A certificate of death prepared under Subsection (9)(a) shall:
 - (i) show the date of registration; and
 - (ii) identify the court and the date of the order.
- (10) It is unlawful for a dispositioner to charge for or accept any remuneration for:
 - (a) signing a certificate of death; or
 - (b) performing any other duty of a dispositioner, as described in this section.
- (11) The state registrar shall, within five business days after the day on which the state registrar or local registrar registers a certificate of death for a Utah resident, inform the lieutenant governor of:
 - (a) the decedent's name, last known residential address, date of birth, and date of death; and
 - (b) any other information requested by the lieutenant governor to assist the county clerk in identifying the decedent for the purpose of removing the decedent from the official register of voters.
- (12) The lieutenant governor shall, within one business day after the day on which the lieutenant governor receives the information described in Subsection (11), provide the information to the county clerks.

Amended by Chapter 280, 2024 General Session

26B-8-115 Fetal death certificate -- Filing and registration requirements.

- (1)
 - (a) A fetal death certificate shall be filed for each fetal death which occurs in this state.

- (b) The certificate shall be filed within five days after delivery with the local registrar or as otherwise directed by the state registrar.
- (c) The certificate shall be registered if it is completed and filed in accordance with this part.
- (2)
 - (a) When a dead fetus is delivered in an institution, the institution administrator or his designated representative shall prepare and file the fetal death certificate.
 - (b) The attending physician, physician assistant, or certified nurse midwife shall state in the certificate the cause of death and sign the certificate.
- (3) When a dead fetus is delivered outside an institution, the physician or certified nurse midwife in attendance at or immediately after delivery shall complete, sign, and file the fetal death certificate.
- (4) When a fetal death occurs without medical attendance at or immediately after the delivery or when inquiry is required by Part 2, Utah Medical Examiner, the medical examiner shall investigate the cause of death and prepare and file the certificate of fetal death within five days after taking charge of the case.
- (5)
 - (a) When a fetal death occurs in a moving conveyance and the dead fetus is first removed from the conveyance in this state or when a dead fetus is found in this state and the place of death is unknown, the death shall be registered in this state.
 - (b) The place where the dead fetus was first removed from the conveyance or found shall be considered the place of death.
- (6) Final disposition of the dead fetus may not be made until the fetal death certificate has been registered.

Amended by Chapter 113, 2024 General Session

Amended by Chapter 295, 2024 General Session

26B-8-116 Certificate of birth resulting in stillbirth.

- (1) As used in this section, "stillbirth" and "stillborn child" mean the same as "dead fetus" as defined in Section 26B-8-101.
- (2)
 - (a) In addition to the requirements of Section 26B-8-115, the state registrar shall establish a certificate of birth resulting in stillbirth on a form approved by the state registrar for each stillbirth occurring in this state.
 - (b) This certificate shall be offered to the parent or parents of a stillborn child.
- (3) The certificate of birth resulting in stillbirth shall meet all of the format and filing requirements of Sections 26B-8-103 and 26B-8-104, relating to a live birth.
- (4) The person who prepares a certificate pursuant to this section shall leave blank any references to the stillborn child's name if the stillborn child's parent or parents do not wish to provide a name for the stillborn child.
- (5) Notwithstanding Subsections (2) and (3), the certificate of birth resulting in stillbirth shall be filed with the designated registrar within 10 days following the delivery and prior to cremation or removal of the fetus from the registration district.

Renumbered and Amended by Chapter 306, 2023 General Session

26B-8-117 Delayed registration of birth resulting in stillbirth.

When a birth resulting in stillbirth occurring in this state has not been registered within one year after the date of delivery, a certificate marked "delayed" may be filed and registered in accordance with department rule relating to evidentiary and other requirements sufficient to substantiate the alleged facts of birth resulting in stillbirth.

Renumbered and Amended by Chapter 306, 2023 General Session

26B-8-118 Certificate of early term stillbirth.

- (1) As used in this section, "early term stillborn child" means a product of human conception, other than in the circumstances described in Subsection 76-7-301(1), that:
 - (a) is of at least 16 weeks' gestation but less than 20 weeks' gestation, calculated from the day on which the mother's last normal menstrual period began to the day of delivery; and
 - (b) is not born alive.
- (2) The state registrar shall issue a certificate of early term stillbirth to a parent of an early term stillborn child if:
 - (a) the parent requests, on a form created by the state registrar, that the state registrar register and issue a certificate of early term stillbirth for the early term stillborn child; and
 - (b) the parent files with the state registrar:
 - (i)
 - (A) a signed statement from a physician, or physician assistant if a physician is not in attendance at the delivery, confirming the delivery of the early term stillborn child; or
 - (B) an accurate copy of the parent's medical records related to the early term stillborn child; and
 - (ii) any other record the state registrar determines, by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, is necessary for accurate recordkeeping.
- (3) The certificate of early term stillbirth described in Subsection (2) shall meet all of the format and filing requirements of Section 26B-8-103.
- (4) A person who prepares a certificate of early term stillbirth under this section shall leave blank any references to an early term stillborn child's name if the early term stillborn child's parent does not wish to provide a name for the early term stillborn child.

Amended by Chapter 113, 2024 General Session

26B-8-119 Petition for establishment of unregistered birth or death -- Court procedure.

- (1) A person holding a direct, tangible, and legitimate interest as described in Subsection 26B-8-125(3)(a) or (b) may petition for a court order establishing the fact, time, and place of a birth or death that is not registered or for which a certified copy of the registered birth or death certificate is not obtainable. The person shall verify the petition and file the petition in the Utah court for the county where:
 - (a) the birth or death is alleged to have occurred;
 - (b) the person resides whose birth is to be established; or
 - (c) the decedent named in the petition resided at the date of death.
- (2) In order for the court to have jurisdiction, the petition shall:
 - (a) allege the date, time, and place of the birth or death; and
 - (b) state either that no certificate of birth or death has been registered or that a copy of the registered certificate cannot be obtained.
- (3) The court shall set a hearing for five to 10 days after the day on which the petition is filed.
- (4)

- (a) If the time and place of birth or death are in question, the court shall hear available evidence and determine the time and place of the birth or death.
- (b) If the time and place of birth or death are not in question, the court shall determine the time and place of birth or death to be those alleged in the petition.
- (5) A court order under this section shall be made on a form prescribed and furnished by the department and is effective upon the filing of a certified copy of the order with the state registrar.
- (6)
 - (a) For purposes of this section, the birth certificate of an adopted alien child, as defined in Section 78B-6-108, is considered to be unobtainable if the child was born in a country that is not recognized by department rule as having an established vital records registration system.
 - (b) If the adopted child was born in a country recognized by department rule, but a person described in Subsection (1) is unable to obtain a certified copy of the birth certificate, the state registrar shall authorize the preparation of a birth certificate if the state registrar receives a written statement signed by the registrar of the child's birth country stating a certified copy of the birth certificate is not available.

Renumbered and Amended by Chapter 306, 2023 General Session

26B-8-120 Certificate of death -- Duties of a custodial funeral service director, an agent of a funeral service director, or a dispositioner -- Medical certification -- Records of funeral service director or dispositioner -- Information filed with local registrar -- Unlawful signing of certificate of death.

- (1) The custodial funeral service director or, if a funeral service director is not retained, a dispositioner shall sign the certificate of death prior to any disposition of a dead body or dead fetus.
- (2) The custodial funeral service director, an agent of the custodial funeral service director, or, if a funeral service director is not retained, a dispositioner shall:
 - (a) obtain personal and statistical information regarding the decedent from the available persons best qualified to provide the information;
 - (b) present the certificate of death to the attending health care professional, if any, or to the medical examiner who shall certify the cause of death and other information required on the certificate of death;
 - (c) provide the address of the custodial funeral service director or, if a funeral service director is not retained, a dispositioner;
 - (d) certify the date and place of burial; and
 - (e) file the certificate of death with the state or local registrar.
- (3) A funeral service director, dispositioner, embalmer, or other person who removes a dead body or dead fetus from the place of death or transports or is in charge of final disposal of a dead body or dead fetus, shall keep a record identifying the dead body or dead fetus, and containing information pertaining to receipt, removal, and delivery of the dead body or dead fetus as prescribed by department rule.
- (4)
 - (a) Not later than the tenth day of each month, every licensed funeral service establishment shall send to the local registrar and the department a list of the information required in Subsection (3) for each casket furnished and for funerals performed when no casket was furnished, during the preceding month.
 - (b) The list described in Subsection (4)(a) shall be in the form prescribed by the state registrar.

- (5) Any person who intentionally signs the portion of a certificate of death that is required to be signed by a funeral service director or a disposer under Subsection (1) is guilty of a class B misdemeanor, unless the person:
 - (a)
 - (i) is a funeral service director; and
 - (ii) is employed by a licensed funeral establishment; or
 - (b) is a disposer, if a funeral service director is not retained.
- (6) The state registrar shall post information on the state registrar's website, providing instructions to a disposer for complying with the requirements of law relating to the disposer's responsibilities for:
 - (a) completing and filing a certificate of death; and
 - (b) possessing, transporting, and disposing of a dead body or dead fetus.
- (7) The provisions of this part shall be construed to avoid interference, to the fullest extent possible, with the ceremonies, customs, rites, or beliefs of the decedent and the decedent's next of kin for disposing of a dead body or dead fetus.

Renumbered and Amended by Chapter 306, 2023 General Session

26B-8-121 Certificate of death -- Registration prerequisite to interment -- Burial-transit permits -- Procedure where body donated under anatomical gift law -- Permit for disinterment.

- (1)
 - (a) A dead body or dead fetus may not be interred or otherwise disposed of or removed from the registration district in which death or fetal death occurred or the remains are found until a certificate of death is registered.
 - (b) Subsection (1)(a) does not apply to fetal remains for a fetus that is less than 20 weeks in gestational age.
- (2)
 - (a) For deaths or fetal deaths which occur in this state, no burial-transit permit is required for final disposition of the remains if:
 - (i) disposition occurs in the state and is performed by a funeral service director; or
 - (ii) the disposition takes place with authorization of the next of kin and in:
 - (A) a general acute hospital as defined in Section 26B-2-201, that is licensed by the department; or
 - (B) in a pathology laboratory operated under contract with a general acute hospital licensed by the department.
 - (b) For an abortion or miscarriage that occurs at a health care facility, no burial-transit permit is required for final disposition of the fetal remains if:
 - (i) disposition occurs in the state and is performed by a funeral service director; or
 - (ii) the disposition takes place:
 - (A) with authorization of the parent of a miscarried fetus or the pregnant woman for an aborted fetus; and
 - (B) in a general acute hospital as defined in Section 26B-2-201, or a pathology laboratory operated under contract with a general acute hospital.
- (3)
 - (a) A burial-transit permit shall be issued by the local registrar of the district where the certificate of death or fetal death is registered:
 - (i) for a dead body or a dead fetus to be transported out of the state for final disposition; or

- (ii) when disposition of the dead body or dead fetus is made by a person other than a funeral service director.
- (b) For fetal remains that are less than 20 weeks in gestational age, a burial-transit permit shall be issued by the local registrar of the district where the health care facility that is in possession of the fetal remains is located:
 - (i) for the fetal remains to be transported out of the state for final disposition; or
 - (ii) when disposition of the fetal remains is made by a person other than a funeral service director.
- (c) A local registrar issuing a burial-transit permit issued under Subsection (3)(b):
 - (i) may not require an individual to designate a name for the fetal remains; and
 - (ii) may leave the space for a name on the burial-transit permit blank; and
- (d) shall redact from any public records maintained under this part any information:
 - (i) that is submitted under Subsection (3)(c); and
 - (ii) that may be used to identify the parent or pregnant woman.
- (4) A burial-transit permit issued under the law of another state which accompanies a dead body, dead fetus, or fetal remains brought into this state is authority for final disposition of the dead body, dead fetus, or fetal remains in this state.
- (5) When a dead body or dead fetus or any part of the dead body or dead fetus has been donated under Part 3, Revised Uniform Anatomical Gift Act, or similar laws of another state and the preservation of the gift requires the immediate transportation of the dead body, dead fetus, or any part of the body or fetus outside of the registration district in which death occurs or the remains are found, or into this state from another state, the dead body or dead fetus or any part of the body or fetus may be transported and the burial-transit permit required by this section obtained within a reasonable time after transportation.
- (6) A permit for disinterment and reinterment is required prior to disinterment of a dead body, dead fetus, or fetal remains, except as otherwise provided by statute or department rule.

Renumbered and Amended by Chapter 306, 2023 General Session

26B-8-122 Interments -- Duties of sexton or person in charge -- Record of interments -- Information filed with local registrar.

- (1)
 - (a) A sexton or person in charge of any premises in which interments are made may not inter or permit the interment of any dead body, dead fetus, or fetal remains unless the interment is made by a funeral service director or by a person holding a burial-transit permit.
 - (b) The right and duty to control the disposition of a deceased person shall be governed by Sections 58-9-601 through 58-9-604.
- (2)
 - (a) The sexton or the person in charge of any premises where interments are made shall keep a record of all interments made in the premises under their charge, stating the name of the decedent, place of death, date of burial, and name and address of the funeral service director or other person making the interment.
 - (b) The record described in this Subsection (2) shall be open to public inspection.
 - (c) A city or county clerk may, at the clerk's option, maintain the interment records described in this Subsection (2) on behalf of the sexton or person in charge of any premises in which interments are made.
- (3)

- (a) Not later than the tenth day of each month, the sexton, person in charge of the premises, or city or county clerk who maintains the interment records shall send to the local registrar and the department a list of all interments made in the premises during the preceding month.
- (b) The list described in Subsection (3)(a) shall be in the form prescribed by the state registrar.

Renumbered and Amended by Chapter 306, 2023 General Session

26B-8-123 Rules of department for transmittal of certificates and keeping of records by local registrar.

Each local registrar shall transmit all records registered by him to the department in accordance with department rules. The manner of keeping local copies of vital records and the uses of them shall be prescribed by department rules.

Renumbered and Amended by Chapter 306, 2023 General Session

26B-8-124 Local registrars authorized to issue certified copies of records.

The state registrar may authorize local registrars to issue certified copies of vital records.

Renumbered and Amended by Chapter 306, 2023 General Session

26B-8-125 Inspection of vital records.

(1) As used in this section:

- (a) "Designated legal representative" means an attorney, physician, funeral service director, genealogist, or other agent of the subject, or an immediate family member of the subject, who has been delegated the authority to access vital records.
- (b) "Drug use intervention or suicide prevention effort" means a program that studies or promotes the prevention of drug overdose deaths or suicides in the state.
- (c) "Immediate family member" means a spouse, child, parent, sibling, grandparent, or grandchild.

(2)

- (a) The vital records shall be open to inspection, but only in compliance with the provisions of this part, department rules, and Sections 78B-6-141 and 78B-6-144.
- (b) It is unlawful for any state or local officer or employee to disclose data contained in vital records contrary to this part, department rule, Section 78B-6-141, or Section 78B-6-144.
- (c)
 - (i) An adoption document is open to inspection as provided in Section 78B-6-141 or Section 78B-6-144.
 - (ii) A birth parent may not access an adoption document under Subsection 78B-6-141(3).
- (d) A custodian of vital records may permit inspection of a vital record or issue a certified copy of a record or a part of a record when the custodian is satisfied that the applicant has demonstrated a direct, tangible, and legitimate interest.

(3) Except as provided in Subsection (4), a direct, tangible, and legitimate interest in a vital record is present only if:

- (a) the request is from:
 - (i) the subject;
 - (ii) an immediate family member of the subject;
 - (iii) the guardian of the subject;
 - (iv) a designated legal representative of the subject; or

- (v) a person, including a child-placing agency as defined in Section 78B-6-103, with whom a child has been placed pending finalization of an adoption of the child;
 - (b) the request involves a personal or property right of the subject of the record;
 - (c) the request is for official purposes of a public health authority or a state, local, or federal governmental agency;
 - (d) the request is for a drug use intervention or suicide prevention effort or a statistical or medical research program and prior consent has been obtained from the state registrar; or
 - (e) the request is a certified copy of an order of a court of record specifying the record to be examined or copied.
- (4)
- (a) Except as provided in Title 78B, Chapter 6, Part 1, Utah Adoption Act, a parent, or an immediate family member of a parent, who does not have legal or physical custody of or visitation or parent-time rights for a child because of the termination of parental rights under Title 80, Chapter 4, Termination and Restoration of Parental Rights, or by virtue of consenting to or relinquishing a child for adoption pursuant to Title 78B, Chapter 6, Part 1, Utah Adoption Act, may not be considered as having a direct, tangible, and legitimate interest under this section.
 - (b) Except as provided in Subsection (2)(d), a commercial firm or agency requesting names, addresses, or similar information may not be considered as having a direct, tangible, and legitimate interest under this section.
- (5) Upon payment of a fee established in accordance with Section 63J-1-504, the office shall make the following records available to the public:
- (a) except as provided in Subsection 26B-8-110(4)(b), a birth record, excluding confidential information collected for medical and health use, if 100 years or more have passed since the date of birth;
 - (b) a death record if 50 years or more have passed since the date of death; and
 - (c) a vital record not subject to Subsection (5)(a) or (b) if 75 years or more have passed since the date of the event upon which the record is based.
- (6) Upon payment of a fee established in accordance with Section 63J-1-504, the office shall make an adoption document available as provided in Sections 78B-6-141 and 78B-6-144.
- (7) The office shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing procedures and the content of forms as follows:
- (a) for the inspection of adoption documents under Subsection 78B-6-141(4);
 - (b) for a birth parent's election to permit identifying information about the birth parent to be made available, under Section 78B-6-141;
 - (c) for the release of information by the mutual-consent, voluntary adoption registry, under Section 78B-6-144;
 - (d) for collecting fees and donations under Section 78B-6-144.5; and
 - (e) for the review and approval of a request described in Subsection (3)(d).

Renumbered and Amended by Chapter 306, 2023 General Session

26B-8-126 Records required to be kept by health care institutions -- Information filed with local registrar and department.

- (1)
- (a) All administrators or other persons in charge of hospitals, nursing homes, or other institutions, public or private, to which persons resort for treatment of diseases, confinements, or are

committed by law, shall record all the personal and statistical information about patients of their institutions as required in certificates prescribed by this part.

- (b) The information described in Subsection (1)(a) shall:
 - (i) be recorded for collection at the time of admission of a patient;
 - (ii) be obtained from the patient, if possible; and
 - (iii) if the information cannot be obtained from the patient, the information shall be secured in as complete a manner as possible from other persons acquainted with the facts.
- (2)
 - (a) When a dead body or dead fetus is released or disposed of by an institution, the person in charge of the institution shall keep a record showing:
 - (i) the name of the deceased;
 - (ii) the date of death of the deceased;
 - (iii) the name and address of the person to whom the dead body or dead fetus is released; and
 - (iv) the date that the dead body or dead fetus is removed from the institution.
 - (b) If final disposal is by the institution, the date, place, manner of disposition, and the name of the person authorizing disposition shall be recorded by the person in charge of the institution.
- (3) Not later than the tenth day of each month, the administrator of each institution shall cause to be sent to the local registrar and the department a list of all births, deaths, fetal deaths, and induced abortions occurring in the institution during the preceding month. The list shall be in the form prescribed by the state registrar.
- (4) A person or institution who, in good faith, releases a dead body or dead fetus, under this section, to a funeral service director or a dispositioner is immune from civil liability connected, directly or indirectly, with release of the dead body or dead fetus.

Renumbered and Amended by Chapter 306, 2023 General Session

26B-8-127 Marriage licenses -- Execution and filing requirements.

- (1) The state registrar shall supply county clerks with application forms for marriage licenses.
- (2) Completed applications shall be transmitted by the clerks to the state registrar monthly.
- (3) The personal identification information contained on each application for a marriage license filed with the county clerk shall be entered on a form supplied by the state registrar.
- (4) The person performing the marriage shall furnish the date and place of marriage and his name and address.
- (5) The form described in Subsection (1) shall be completed and certified by the county clerk before it is filed with the state registrar.

Renumbered and Amended by Chapter 306, 2023 General Session

26B-8-128 Divorce or adoption -- Duty of court clerk to file certificates or reports.

- (1) For each adoption, annulment of adoption, divorce, and annulment of marriage ordered or decreed in this state, the clerk of the court shall prepare a divorce certificate or report of adoption on a form furnished by the state registrar or, for a report of adoption, the state of the child's birth.
- (2) The petitioner shall provide the clerk of the court with the information necessary to prepare the certificate or report under Subsection (1), including the form furnished by the child's state of birth if the child was born in another state.
- (3) The clerk shall:
 - (a) prepare the certificate or report under Subsection (1); and

- (b) complete the remaining entries for the certificate or report immediately after the decree or order becomes final.
- (4) On or before the 15th day of each month, the clerk shall forward the divorce certificates and reports of adoption under Subsection (1) completed by the clerk during the preceding month to the state registrar, except for reports of adoption provided to an attorney or child-placing agency under Subsection (5)(b).
- (5)
 - (a) In addition to the report of adoption that the clerk forwards to the state registrar under Subsection (4), the clerk shall also provide an original report of adoption under Subsection (1), upon request, to the attorney who is providing representation of a party to the adoption, or the child-placing agency, as defined in Section 78B-6-103, that is placing the child.
 - (b) If the child was born in another state, the clerk of court shall prepare and provide one original report of adoption, upon request, to the attorney who is providing representation of a party to the adoption, or the child-placing agency that is placing the child, and the attorney or child-placing agency shall be responsible for submitting the report to the state of the child's birth.
 - (c) If the attorney or child-placing agency does not request an original report of adoption under Subsection (5)(a) or (b), the clerk shall forward the report of adoption to the state registrar pursuant to Subsection (4).
 - (d) If, pursuant to Subsection (5)(a), an original report of adoption is provided to the attorney or the child-placing agency, as defined in Section 78B-6-103, the attorney or the child-placing agency shall immediately provide the report of adoption to the state registrar.

Amended by Chapter 289, 2023 General Session

Renumbered and Amended by Chapter 306, 2023 General Session

26B-8-129 Certified copies of vital records -- Preparation by state and local registrars -- Evidentiary value.

- (1) The state registrar and local registrars authorized by the department under Section 26B-8-124 may prepare typewritten, photographic, electronic, or other reproductions of vital records and certify their correctness.
- (2) Certified copies of the vital record, or authorized reproductions of the original, issued by either the state registrar or a designated local registrar are prima facie evidence in all courts of the state with like effect as the vital record.

Renumbered and Amended by Chapter 306, 2023 General Session

26B-8-130 Identifying birth certificates of missing persons -- Procedures.

- (1) As used in this section:
 - (a) "Division" means the Criminal Investigations and Technical Services Division, Department of Public Safety, in Title 53, Chapter 10, Criminal Investigations and Technical Services Act.
 - (b) "Missing child" means a person younger than 18 years old who is missing from the person's home environment or a temporary placement facility for any reason, and whose whereabouts cannot be determined by the person responsible for the child's care.
 - (c) "Missing person" means a person who:
 - (i) is missing from the person's home environment; and
 - (ii) (A) has a physical or mental disability;

- (B) is missing under circumstances that indicate that the person is endangered, missing involuntarily, or a victim of a catastrophe; or
- (C) is a missing child.

- (2)
 - (a) In accordance with Section 53-10-203, upon the state registrar's notification by the division that a person who was born in this state is missing, the state and local registrars shall flag the registered birth certificate of that person so that when a copy of the registered birth certificate or information regarding the birth record is requested, the state and local registrars are alerted to the fact the registered birth certificate is that of a missing person.
 - (b) Upon notification by the division the missing person has been recovered, the state and local registrars shall remove the flag from that person's registered birth certificate.
- (3) The state and local registrars may not provide a copy of a registered birth certificate of any person whose record is flagged under Subsection (2), except as approved by the division.
- (4)
 - (a) When a copy of the registered birth certificate of a person whose record has been flagged is requested in person, the state or local registrar shall require that person to complete a form supplying that person's name, address, telephone number, and relationship to the missing person, and the name and birth date of the missing person.
 - (b) The state or local registrar shall inform the requester that a copy of the registered birth certificate will be mailed to the requester.
 - (c) The state or local registrar shall note the physical description of the person making the request, and shall immediately notify the division of the request and the information obtained pursuant to this Subsection (4).
- (5) When a copy of the registered birth certificate of a person whose record has been flagged is requested in writing, the state or local registrar or personnel of the state or local registrar shall immediately notify the division, and provide it with a copy of the written request.

Renumbered and Amended by Chapter 306, 2023 General Session

26B-8-131 Birth certificate for foreign adoptees.

Upon presentation of a court order of adoption and an order establishing the fact, time, and place of birth under Section 26B-8-119, the department shall prepare a birth certificate for an individual who:

- (1) was adopted under the laws of this state; and
- (2) was at the time of adoption, as a child or as an adult, considered an alien child or adult for whom the court received documentary evidence of lawful admission under Section 78B-6-108.

Renumbered and Amended by Chapter 306, 2023 General Session

26B-8-132 Determination of death made by registered nurse.

- (1) As used in this section, "registered nurse" means a registered nurse licensed under Title 58, Chapter 31b, Nurse Practice Act.
- (2)
 - (a) An individual is dead if the individual has sustained either:
 - (i) irreversible cessation of circulatory and respiratory functions; or
 - (ii) irreversible cessation of all functions of the entire brain, including the brain stem.
 - (b) A determination of death shall be made in accordance with this part and accepted medical standards.

- (3) A registered nurse may make a determination of death of an individual if:
 - (a) an attending physician has:
 - (i) documented in the individual's medical or clinical record that the individual's death is anticipated due to illness, infirmity, or disease no later than 180 days after the day on which the physician makes the documentation; and
 - (ii) established clear assessment procedures for determining death;
 - (b) the death actually occurs within the 180-day period described in Subsection (3)(a); and
 - (c) at the time of the documentation described in Subsection (3)(a), the physician authorized the following, in writing, to make the determination of death:
 - (i) one or more specific registered nurses; or
 - (ii) if the individual is in a health care facility that has complied with Subsection (6), all registered nurses that the facility employs.
- (4) A registered nurse who has determined death under this section shall:
 - (a) document the clinical criteria for the determination in the individual's medical or clinical record;
 - (b) notify the physician described in Subsection (3); and
 - (c) ensure that the death certificate includes:
 - (i) the name of the deceased;
 - (ii) the presence of a contagious disease, if known; and
 - (iii) the date and time of death.
- (5) Except as otherwise provided by law or rule, a physician shall certify a determination of death described in Subsection (4) within 24 hours after the registered nurse makes the determination of death.
- (6)
 - (a) For a health care facility to be eligible for a general authorization described in Subsection (3)(c), the facility shall adopt written policies and procedures that provide for the determination of death by a registered nurse under this section.
 - (b) A registered nurse that a health care facility employs may not make a determination of death under this section unless the facility has adopted the written policies and procedures described in Subsection (6)(a).
- (7) The department may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to ensure the appropriate determination of death under this section.

Renumbered and Amended by Chapter 306, 2023 General Session

26B-8-133 Unlawful acts concerning certificates, records, and reports -- Unlawful transportation or acceptance of dead human body.

It is unlawful for any person, association, or corporation and the officers of any of them:

- (1) to willfully and knowingly make any false statement in a certificate, record, or report required to be filed with the department, or in an application for a certified copy of a vital record, or to willfully and knowingly supply false information intending that the information be used in the preparation of any report, record, or certificate, or an amendment to any of these;
- (2) to make, counterfeit, alter, amend, or mutilate any certificate, record, or report required to be filed under this code or a certified copy of the certificate, record, or report without lawful authority and with the intent to deceive;
- (3) to willfully and knowingly obtain, possess, use, sell, furnish, or attempt to obtain, possess, use, sell, or furnish to another, for any purpose of deception, any certificate, record, report, or certified copy of any of them, including any that are counterfeited, altered, amended, or mutilated;

- (4) without lawful authority, to possess any certificate, record, or report, required by the department or a copy or certified copy of the certificate, record, or report, knowing it to have been stolen or otherwise unlawfully obtained; or
- (5) to willfully and knowingly transport or accept for transportation, interment, or other disposition a dead human body without a permit required by law.

Renumbered and Amended by Chapter 306, 2023 General Session

26B-8-134 Illegal use of birth certificate -- Penalties.

- (1) It is a third degree felony for any person to willfully and knowingly:
 - (a) and with the intent to deceive, obtain, possess, use, sell, furnish, or attempt to obtain, possess, use, sell, or furnish to another any certificate of birth or certified copy of a certificate of birth knowing that the certificate or certified copy was issued upon information which is false in whole or in part or which relates to the birth of another person, whether living or deceased; or
 - (b) furnish or process a certificate of birth or certified copy of a certificate of birth with the knowledge or intention that it be used for the purpose of deception by a person other than the person to whom the certificate of birth relates.
- (2) The specific criminal violations and the criminal penalty under this section take precedence over any more general criminal offense as described in Section 26B-8-133.

Renumbered and Amended by Chapter 306, 2023 General Session